1952. **File No.** Factories II/52 (R)

Legal Deptt.

13 BRANCH P 4(E)

Subject:— Rules under the Factories Act, 1948

File No. Factories II/52 (R)

Gen. 194

327-B

Legal Department.

The draft notification at pp. 67 to 70 ante as slightly amended is in order.

2. Draft Form 32 at p. 68 ante. In the heading of column 9, the meaning of the words "or in otherwise selling the latter" is not clear. The intention seems to be to furnish information as to the expenditure borne by the occupier of the factory in subsidizing in the sale of foodstuffs or in selling the foodstuffs below cost price. Col. 9 is, therefore, amended accordingly. The L.& H.D. may verify whether columb 9 as amended carries out its intention.

J.R.Dhurandhar.

25/2.

O.O.

Additional Secretary to Government.

U.R. to L.& H.D.No. 3102 dated the 27th February 1952.

29/2.

Legal Department.

The Chief Inspector of Factories reports that even though under rule 73 of the Bombay Factories Rules, 1950 a factory is rrequired to construct a dining Hall accommodating at a time at least thirty percent of the workers, the Sholapur Spinning and Weaving Mills Co. Limited, Sholapur, has a dining hall accommodating only twelve percent of it's workers. TheChief Inspector is satisfied that on account of lack of finance it will not be possible for the said mills to construct a dining hall so as to accommodate 30 per cent of its workers. The Labour and Housing Department is not, however, in favour of resorting to the provisions of the proviso to rule 73(1) whorounder the State Government has been authorised to alter the percentage of workers to be accommodated on the ground that if similar request is made by othet mills it will be difficult to refuse such request. The Department, therefore, has proposed to make a rule providing for Government to exempt either temporarily or permanently a factory from all or any of the of the provisions of rule 72 to 78 subj-ect to such conditions as Government may deem fit to impose. The B.L.A. is requested to scrutinize the said rule.

Contd.

2. The proposed notification is too wide in its scope than the needs of the case require. There would be no difficulty in complying with the provisions of rule 73 of the Bombay Factory Rules, 1950, by factories which have been established after the coming into force of the rules 72 to 78 of the said Rules. The difficulty only would arise in the case of those factories which were governed by the old Act such as the factory under consideration.

Rule 73(1) should therefore be made more flexible in their case by adding a proviso which is to apply to factories which were in existence at the date of the commencement of the provisions of rule 73. In fact such a provision is already made in sub-rule (2) of rule 73 and in various other provisions of the said rules. A revised draft notification is sent herewith. The Labour and Housing Department should verify whether it would carry out the object in view.

J.R.Dhurandhar.

.6/6.

C.C.

Additional Secretary to Government.

U.R.to L.& H.D. No. 9542 dt. the 7th June 1952.

MM

29/6.

Legal Department.

Point 'A' in L.& H.D. note at page 120 ante.

Although the validity of the proposed rule is not free from doubt, in view of the opinion expressed by the Government of India, the rule may be made.

2. A revised draft notification embodying the suggestions of the Labour & Housing Department is sent herewith.

3. The words "whether such closure, suspension or refusal is or is not in consequence of an industrial dispute" in the Explanation to the proposed rule 113 are not suitable for the purposes of that rule. The said words have, therefore, been deleted from the Explanation.

J.R.Dhurandhar.
16/7
o/c.
Additional Secretary to Government.

U.R. to L.& H.D.No. 11838. dated the 17th July 1952.

MM
29/6.